



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

CNC
F.#2013R00948

*610 Federal Plaza
Central Islip, New York 11722*

June 11, 2014

By Hand and ECF

The Honorable Joseph F. Bianco
United States District Judge
Eastern District of New York
920 Federal Plaza
Central Islip, New York 11722

Re: United States v. Tommy Constantine
Criminal Docket No. 13-607(JFB)

Dear Judge Bianco:

The government respectfully submits this letter to request that the Court reconsider its May 5, 2014 decision, granting the defendant's request for bail. As Your Honor is aware, the government has consistently opposed the defendant's request for bail in this case. However, since the Court's decision on May 5, 2014, the government has been working with defense counsel to ensure that the conditions Your Honor imposed for the bond are satisfied prior to the defendant's release. The defendant seeks to be released tomorrow and a court appearance has been scheduled before Your Honor for 2:00 p.m.

The Court's May 5, 2014 decision relied in part on a finding that the defendant had nowhere "to hide from the Government." See Transcript ("Tr.") of May 5, 2014 Hearing at 6, attached as Exhibit 1. The Court found that:

If he were to flee, the likelihood where he would go, I don't believe the connections to Greece that go back many years are sufficient enough to make me believe that he will flee to Greece or to Mexico . . . where he has no family or ties, that the Government has been able to show the Court.

Id.

After the May 5, 2014 hearing, defense counsel provided the government with a number of documents in connection with the properties the proposed sureties planned to post as security. One of the proposed sureties is Kiki Constantine, the defendant's mother. She has agreed to post her home in Scottsdale, Arizona as security. One of the documents provided to the government was a translation of a deed, dated February 22, 2007, pertaining to three apartments and a warehouse in an apartment building in Athens, Greece. See Deed, attached as Exhibit 2. In the deed, Mrs. Constantine "allocates, transfers, and delivers equally the (1/3) to each of her three children Theodore, Tommy and Jennifer Constantine all the properties mentioned above, however she holds the usufruct as long as she is alive." Id. at 3.

In response to questions from the government regarding the status of the three apartments in Greece, defense counsel advised the undersigned that two of the apartments had been sold. On May 16, 2014, the government requested documentation reflecting the sale of the two apartments. On June 10, 2011, defense counsel provided the government with a "General Affidavit" signed by Kiki Constantine. The General Affidavit is dated May 24, 2013, May 27, 2013 and May 27, 2014. See General Affidavit at 1, 2, attached as Exhibit 3. In the affidavit, Mrs. Constantine states: "In 2011, I sold unit 25 along with its accompanying storage locker." Id. at 1, ¶ 6. In paragraph 10 of the General Affidavits, she states: "In 2014, I sold apartment 3 and am currently awaiting final transfer of deed to new owner." Id. at 2, ¶ 10. Mrs. Constantine further states that "[t]he only remaining property is Unit 20 . . . I now solely own all interest in Apartment 20" and reports that Unit 20 is worth approximately 75,000 Euros. Id. at 2, ¶¶ 11, 12.

Because the government was not aware that the defendant's mother still owned property in Greece, the government did not bring that fact to the Court's attention in its earlier arguments for detention. And, because the Court based its May 5, 2014 decision to release the defendant, at least in part, on the Court's understanding that the defendant's ties to Greece "go back many years" and were not sufficient enough to concern the Court, the government deems it important to advise the Court that Mrs. Constantine owns an apartment in Athens, Greece, which the defendant could reside in should he flee.

Given this new fact and for all of the reasons previously stated by the government in detention letters and at bail hearings, the government requests that the Court reconsider its May 5, 2014 granting the defendant's request for bail, as the defendant poses a serious risk of flight.

Respectfully submitted,

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Attachments 1-3

cc: Clerk of the Court (JFB) (By ECF)
Joseph Conway, Esq. (By ECF)